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Honorable Victor Marrero  
United States District Judge  
Southern District of New York  
500 Pearl Street, Suite 1610  
New York, NY 10007

RE: *KDH Consulting Group, LLC v. Iterative Capital Mgm't L.P., et al.*, 20 CV 3274

Dear Judge Marrero:

Pursuant to the Court's November 22 Order, we write in response to Plaintiff's November 19, 2020 letter seeking the return of the security that Plaintiff posted in connection with the TRO that this Court dissolved on May 5, 2020. (Dkt. 35). Defendants hereby request the opportunity to renew their motion to recover from the TRO security.

Defendants respectfully disagree with Plaintiff's interpretation of this Court's Order, dated November 9, 2020, denying Defendants' motion to recover damages and costs from the TRO security (the "November 9 Order"). Plaintiff submits that the November 9 Order was "exhaustive" on the issue of whether Defendants are entitled to recover from the TRO security, but the November 9 order did not hold that Defendants suffered no recoverable damages as a result of the improper TRO. Rather, the November 9 Order identified categories of requested damages that the Court deemed unrecoverable and one category—fees and costs incurred in connection with identifying responsive documents to comply with the TRO—that lacked sufficient substantiation.

Defendants believe they can substantiate and quantify the recoverable damages they incurred in complying with the TRO, consistent with the November 9 Order. If given the opportunity, Defendants would do so via a renewed motion to recover from the TRO security. Given the narrowed scope of such a renewed motion, Defendants believe they can prepare and submit their supporting papers within 10 days of receiving the Court's approval to do so.

In the meantime, Defendants will await further guidance from the Court.

Respectfully submitted,

/s/ Robert J. Boller

Robert J. Boller

Request GRANTED.

Defendants are hereby granted leave to renew their motion to recover.

SO ORDERED.

November 30,  
2020

DATE

  
VICTOR MARRERO, U.S.D.J.

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